

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

KAREN SAUNDERS,
Plaintiff,

vs.

DYCK-O'NEAL, INC.,
Defendant

)
)
)
)
)
)
)
)
)
)

Case No. 1: 17-CV-00335

Hon. Judge Gordon J. Quist

EXHIBIT A

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN**

Case No.: 1:17-CV-00335

KAREN SAUNDERS,

Plaintiff,

V.

DYCK O'NEAL, INC.,

Defendant.

DECLARATION OF EMERY SHANNON

I, Emery Shannon, declare under penalty of perjury, as provided for by the laws of the United States, 28 U.S.C. §1746, that the following statements are true:

1. I am over the age of 18 and am authorized to make this declaration on its behalf of DYCK O'NEAL, INC. ("DONI").
2. I received my license to practice law by the Texas Supreme Court in 1983 and have practiced commercial and collection litigation continuously ever since. Beginning in 2005 I began representing DONI as its Texas collection counsel and as outside general counsel.
3. This declaration is based on personal knowledge gained through my representation of DONI, as well as my review of DONI's legal file, notes, and communications with DONI's counsel (including those received from August 2018 through October 2018).
4. In performing general counsel services for DONI, I monitor ongoing litigation involving the company. I am also the main contact person at DONI for active litigation. In this case, I am the main contact person for DONI and have been since the inception of the case.

5. Charity Olson was primary counsel for DONI from the inception of the case until November 2018. I have been the contact person for Attorney Olson at DONI during that time period.
6. From reading Plaintiff's Motion to Compel, filed on or about October 30, 2018, I learned of Plaintiff's allegations that it served a second set of discovery comprised of interrogatories and a document production request on DONI by service upon Attorney Olson in August, 2018.
7. At no time prior to the execution of this Declaration was DONI advised by Attorney Olson the second set of discovery had been served. I have reviewed emails sent to and received from Attorney Olson from August 2018 through October 30, 2018, and found none indicating Attorney Olson had informed us that she had been served with the second set of discovery nor did she forward a copy of the second set of discovery requests. Further, during this time period Attorney Olson did not advise us that there was any pending and outstanding discovery due to Plaintiff that she had failed to answer.
8. Earlier this year, Attorney Olson's communications with DONI regarding this matter became more sporadic.
9. In order to determine the current status of the case, on October 30, 2018, I logged onto the Court's online database. At that time, I learned Plaintiff had filed Motion to Compel the same day.
10. In reviewing the Motion to Compel, I discovered Plaintiff served a second set of discovery requests on Attorney Olson on August 21, 2018.
11. Thereafter, I attempted to contact Attorney Olson several times, in vain, to discuss the matter.

12. On November 9, 2018, DONI contacted new counsel to represent it in this matter. Counsel has since entered an appearance in the case.

13. DONI has spent considerable time over the past month researching data in an effort to respond to Plaintiff's second set of discovery.

Executed on this 4th day of December 2018.


Emery Shannon, Esq.